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SFA



BILL ANALYSIS

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Senate Bill 525 (as enrolled)
Sponsor: Senator Loren Bennett
Senate Committee: Judiciary
House Committee: Criminal Law and Corrections

PUBLIC ACT 51 of 2000

Date Completed: 2-26-01

CONTENT

The bill amended the Code of Criminal Procedure to provide that, as part of a sentence for any offense that the court determines was directly related to a riot, incitement to riot, unlawful assembly, or civil disorder on or within 2,500 feet of a public community college, public college, or public university, the court may order the convicted person not to enter upon any public community college, public college, or public university campus in this State. The person may be banned from public campuses for two years following sentencing if the offense is a felony, or for one year following sentencing if the offense is a misdemeanor. If the person is incarcerated for the offense, the campus ban begins following the completion of the term of incarceration.

Also, the court may order the individual to reimburse the public community college, public college, or public university, the State, or a local unit of government for expenses incurred as a result of the riot, incitement to riot, unlawful assembly, or civil disorder. The amount must be reasonable and may not exceed the person's pro rata share of the costs. Otherwise, reimbursement must be made in the same manner as reimbursement is made under Section 1f of Chapter 9 of the Code. (That section allows a court to order a person convicted of drunk driving to reimburse the State or a local unit for its related expenses, including emergency response expenses and expenses of prosecution (MCL 769.1f).)

If the prosecuting attorney or the attorney for a city, village, or township intends to seek an order under the bill, he or she must state on the complaint or information that the defendant, if convicted, may be subject to the provisions of the bill. If a complaint or amended complaint is filed under these provisions after a plea but before sentencing, the defendant must be given an opportunity to withdraw his or her plea before sentencing.

The existence of the facts resulting in an order must

be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing.

An order issued under the bill does not apply to either of the following:

- Entering onto the campus of a public community college, college, or university to obtain medical treatment.
- Traveling on a public highway situated on the campus of a public community college, college, or university for purposes of traveling to another location.

If the individual is placed in the jurisdiction of the Department of Corrections for the violation, the court may request the parole board to prohibit him or her from entering upon a public community college, public college, or public university campus in this State for two years, as provided above, as a condition of parole.

An order issued under the bill may be in addition to any other penalty or condition of probation imposed for the underlying violation.

The bill states that it does not require any person to be convicted of riot (MCL 752.541), incitement to riot (752.542), unlawful assembly (MCL 752.543), or civil disorder (MCL 750.528 or 750.528a).

MCL 769.1g

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill will have no direct cost for State or local government.

In 1998, there were 12 people convicted of unlawful assembly, one person convicted of incitement to riot, and no one convicted of rioting. The bill allows the court to ban from public campus offenders whose underlying conviction is based on rioting, incitement to riot, or unlawful assembly, but who were not necessarily convicted of one of these crimes. There

will be no direct cost to State or local government for banning people from a public campus.

To the extent that the ban is a condition of parole or probation, however, State or local government will incur costs for sanctioning individuals who violate this condition of parole or probation. On average, a parole violator who is returned to a State prison serves 10 months. Assuming that the average annual cost of incarceration in a State facility is \$22,000, the increased cost for technical rule violator admissions to prison is \$18,300.

Fiscal Analyst: K. Firestone

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.